

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HYUNDAI MOTOR AMERICA, INC.,

v.

CLEAR WITH COMPUTERS, LLC

Civil Action No. 6:08-CV-302-LED

JURY TRIAL DEMANDED

**JOINT MOTION TO VACATE CURRENT SCHEDULING ORDER AND
DISCOVERY DEADLINES**

COME NOW Hyundai Motor America, Inc., ("HMA") and Clear With Computers, LLC ("CWC") and file this Joint Motion to Vacate Current Scheduling Order and Discovery Deadlines.

The parties have filed a Joint Motion For A Status Conference to consolidate the present litigation (Civil Action No. 6:08-CV-00302) and the new litigation Civil Action No. 6:09-CV-00479. The present litigation involves three patents.¹ The Court has construed two of these patents in prior litigation, but has not yet received the parties' positions on the construction of these two patents for the purposes of the instant litigation.² Because the parties have agreed to drop all claims regarding the third patent pursuant to CWC's voluntary dismissal with prejudice,³ claim construction for that patent is no longer necessary. The new litigation involves one patent, U.S. Patent No. 7,606,739 (the " '739 Patent"), which has not yet been construed. Likewise, the parties have not conducted discovery related to the new patent, or exchanged required contentions. Accordingly, both parties request that the Court vacate the current scheduling Order

¹ U.S. Patent Nos. 5, 615,342; 5,493,490; and 5,367,627.

² Terms for U.S. Patent Nos. 5, 615,342; and 5,367,627 have been construed.

³ U.S. Patent No. 5,493,490.

and discovery deadlines and enter a new Order governing the consolidated litigation involving the '627, the '342 and the '739 patents.

The parties hereby respectfully request the Court to vacate the current scheduling Order and discovery deadlines in consideration of their Joint Motion For A Status Conference.

Dated: November 19, 2009

Respectfully submitted,

CLEAR WITH COMPUTERS, LLC

By: /s/ Debera W. Hepburn

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**ATTORNEYS FOR
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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

November 19, 2009

/s/ Debera W. Hepburn
Debera W. Hepburn